

OGC 73-1586

22 August 1973

MEMORANDUM FOR: Special Assistant for Information Control

SUBJECT : Warning Caveats on Intelligence Information Reports

REFERENCES : (a) Your memorandum, same subj., dtd 7 Aug 73

(b) Memorandum fr [redacted]

[redacted]

STA
STA

1. In referent memorandum (a) you raised two questions regarding the marking "NATIONAL SECURITY INFORMATION UNAUTHORIZED DISCLOSURE SUBJECT TO CRIMINAL SANCTIONS" discussed in referent memorandum (b). Those questions are (1) whether such a marking is appropriate in view of the fact that the original distribution is limited to the Executive Branch and, (2) whether such a marking is sufficient.

2. As you know, to comply with Executive Order 11652, HR [redacted] was reissued on 13 June 1972. At Part II D1(g), it states:

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I/f the document or material is to be furnished to persons outside the Executive Branch of the government and is not marked 'Restricted Data' or 'Formerly Restricted Data' the following marking shall be placed at the bottom of the first page:

NATIONAL SECURITY INFORMATION
UNAUTHORIZED DISCLOSURE SUBJECT TO CRIMINAL SANCTIONS

OGC Has Reviewed

STAT

Thus, it is our view that if any such warning is appropriate, this is the one that should be used.

3. Referent memorandum (b) states [redacted]

[redacted] formerly marked their forms with a relatively lengthy Espionage Law warning "because of dissemination outside the Executive Branch of the Government". While we assume that the forms will not be marked "Restricted Data" or "Formerly Restricted Data" and we understand that the primary distribution for the completed forms will not be outside the Executive Branch, if there are circumstances in which the new forms, after being filled out, will be circulated outside the Executive Branch, it is our opinion that they must be marked with the warning of [redacted]

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[redacted] While printing this warning on the blank form may at first glance seem to be merely an administrative convenience, it will assure that when the completed forms are sent outside the Executive Branch they will be properly marked.

STA

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[redacted]
Office of General Counsel

OGC:JED:cap

Original - Addressee

- ✓ 1 - SECURITY E. O. 11652 CLASSIFICATION & DECLASSIFICATION
- 1 - JED Signer
- 1 - Chrono

7 August 1973

MEMORANDUM FOR: Office of General Counsel

SUBJECT : Warning Caveats on Intelligence Information Reports

1. Attached are copies of two ☐ forms which have been forwarded for revision with a memo from the forms manager discussing the problem.

2. As I see it, we formerly used a caveat making reference to the Espionage Laws on all of our disseminated IIR's to remind recipients of their potential criminal liability. Now as these report forms are being revised, ☐ proposes to substitute the caveat contained in the National Security Council directive implementing Executive Order 11652. My questions are:

STAT a. Is this appropriate, in view of the fact that the original dissemination is limited to the Executive Branch?

b. If the NSC directive caveat is necessary to cover a secondary distribution beyond the Executive Branch, is the original Espionage Laws Clause also required?

☐
Special Assistant for Information Control

Attachment: a/s

6 August 1973

MEMORANDUM FOR: Special Assistant for Information Control

SUBJECT :

[Redacted]

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1. This memorandum is for information and guidance.

[Redacted]

This material contains information affecting the National Defense of the United States within the meaning of the Espionage Laws, Title 18, U.S.C. Secs. 793 and 794, the transmission or revelation of which in any manner to be unauthorized person is prohibited by law.

This appeared because of dissemination outside the Executive Branch of the Government.

STAT

3. DDO, prior to the Executive Order 11652 also had the same clause at the top of their information reports but they have eliminated this information and replaced it with the exemption statement and classifying officer. Based on this I have assumed when we revise the Information Reports [Redacted] the Espionage Clause will be eliminated [Redacted]

STA

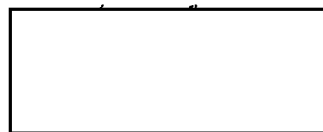
[Redacted]

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[Redacted]

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5. Like I am in doubt if and when the Espionage Clause is to be used, and if used, is it to be worded as on the attached two forms. It seems to me the wording he has chosen is more in line with the E.O. 11652 rather than the former Espionage Clause.



STA

Attachment: a/s